

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BUILDING MATERIAL TEAMSTERS
LOCAL 282, I.B.T.,

Plaintiff,

-against-

A STAR BUSINESS SERVICES OF
NEW YORK CORP., D/B/A
BASS & BASS,

X

Defendant.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

11-CV-4646 (KAM) (CLP)

MATSUMOTO, United States District Judge:

On September 26, 2011, plaintiff Building Material Teamsters Local 282, I.B.T. ("Local 282" or the "Union"), commenced this action against defendant A Star Business Services of New York Corp., d/b/a Bass & Bass ("A Star"), seeking to enforce a labor arbitration award under Section 301 of the Labor Management Relations Act ("LMRA"), 29 U.S.C. § 185. Despite being properly served, defendant has failed to answer or otherwise move in response to the Complaint. On November 7, 2011, the Clerk of Court noted the default against defendant and plaintiff consequently filed a motion for entry of default judgment. Presently before the court is a Report and Recommendation issued by Magistrate Judge Cheryl L. Pollack on May 30, 2012, recommending that the court enter a default judgment enforcing the panel's arbitration award and ordering

defendant A Star to pay: (1) \$8,943.36 to Willye Jiles and \$8950.40 to the Local 282 Trust Funds for lost wages and benefits; (2) \$707.87 to Mr. Jiles and \$707.43 to the Union in pre-judgment interest; (3) \$2,508.00 in attorneys' fees; and (4) \$386.24 in costs and disbursements. (ECF No. 8, Report and Recommendation dated 5/30/2012 ("R&R"), at 17.)

The Report and Recommendation directed the clerk of this court to serve a copy of the Report and Recommendation on defendant by mail or through the ECF filing system. (*Id.* at 17.) The clerk mailed a copy of the Report and Recommendation to defendant that same day. (See ECF docket entry dated 5/20/2012.)

As explicitly noted at the end of the Report and Recommendation, any objections to the Report and Recommendation were to be filed within 14 days of the date of the Report and Recommendation. (R&R at 17.) The statutory period for filing objections has expired, and no objections to Magistrate Judge Pollack's Report and Recommendation have been filed.

In reviewing a Report and Recommendation, the district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Where no objection to the Report and Recommendation has been filed, the district court "need only satisfy itself that that there is no clear error on the face of

the record." *Urena v. New York*, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (quoting *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)).

Upon a careful review of the Report and Recommendation and the record in this case, and considering that defendant has failed to object to any of Magistrate Judge Pollack's thorough and well-reasoned recommendations, the court finds no clear error in the Report and Recommendation and hereby affirms and adopts it as the opinion of the court. Accordingly, the court orders that judgment should be entered in favor of plaintiff against defendant in the amounts of: (1) \$8,943.36 to Willye Jiles and \$8950.40 to the Local 282 Trust Funds for lost wages and benefits; (2) pre-judgment interest to Mr. Jiles and the Union calculated at a rate of 9% per annum from the date of the award (July 13, 2011) to the date of entry of judgment; (3) \$2,508.00 in attorneys' fees; and (4) \$386.24 in costs and disbursements.

CONCLUSION

For the foregoing reasons, the court orders that judgment be entered in favor of plaintiff against defendant as follows: (1) \$8,943.36 to Willye Jiles and \$8950.40 to the Local 282 Trust Funds for lost wages and benefits; (2) pre-judgment interest to Mr. Jiles and the Union calculated at a rate of 9% per annum from the date of the award (July 13, 2011) to the date

of entry of judgment; (3) \$2,508.00 in attorneys' fees; and (4) \$386.24 in costs and disbursements.

The Clerk of the Court is respectfully requested to close the case. Plaintiff shall serve a copy of this Memorandum and Order upon defendant and file a certificate of service via ECF by August 8, 2012.

SO ORDERED.

Dated: August 6, 2012
Brooklyn, New York

 /s/
Kiyo A. Matsumoto
United States District Judge
Eastern District of New York